
Commission Meeting

of

STATE HOUSE COMMISSION

LOCATION: Committee Room 14
State House Annex
Trenton, New Jersey

DATE: December 15, 2003
9:00 a.m.

MEMBERS OF COMMISSION PRESENT:

Daren Eppley
(Representing Michael R. DeCotiis)
Senator Walter J. Kavanaugh, Chair
Assemblyman Anthony Impreveduto
Senator Bob Smith
Charlene M. Holzbaur
Robert L. Smartt
(Representing John E. McCormac)



ALSO PRESENT:

Edward J. McGlynn, Secretary
Robert J. Shaughnessy Jr., Counsel

Meeting Recorded and Transcribed by
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MR. McGLYNN (Secretary): Good morning, everyone. My name is Ed McGlynn. I'm Secretary to the Commission.

Just a couple of housekeeping measures, if I may. As everybody is probably aware, this is a supermajority quorum Commission. So we need five people in order to have a record by the members of the board. We have four that are here, so we're going to start the meeting. And when the fifth shows up -- I know two have called me, they're stuck in traffic -- we'll have them ratify what was done previously.

Let me introduce, if I may, Assistant Counsel Daren Eppley, who is two to my left, who is the designee for today's meeting from Chief Counsel, Michael DeCotiis.

So, with that, Senator, I believe we may begin.

First item on the agenda--

SENATOR WALTER J. KAVANAUGH (Chair): First of all, if you note that we met the Open Public Meetings Act. And we're now ready to go, a little late, but ready.

MR. McGLYNN: The first item on the agenda is the approval of the September 25, 2003 State House Commission meeting minutes.

DEPUTY TREASURER SMARTT: So moved.

SENATOR KAVANAUGH: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Aye.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: And we also note for the record that we have received a letter from Barbara Tachau, which all members of the Commission have gotten a copy of, which is a letter indicating her personal views on a number of matters on the agenda. That letter will be made part of the record and will be available with a verbatim transcript, when the verbatim transcript is available.

Item No. 2 is the Admiral Farragut Park, Block 36, Lot 1.02, Pine Beach Borough, in Ocean County. DEP, on behalf of the Borough of Pine Beach, requests approval to amend the conditions of the State House

Commission's September 23, '99 approval of the disposal of 1.21 acres of Admiral Farragut Park, to allow construction of approximately 19 single-family homes on the same property previously approved for an assisted living facility.

As compensation, Pine Beach will dedicate Block 36, Lot 1.05, consisting of 1.14 acres, for public recreation and conservation purposes.

There is a letter from a Paul and Yvonne Bick, essentially asking that the Commission not do this -- to see if the town could find additional dollars from some source in order to acquire the entire parcel.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

MR. McGLYNN: I know Mayor Corby is present. He has submitted a statement.

MAYOR RUSSELL K. CORBY: I've already submitted a statement.

MR. McGLYNN: And that statement is also part of the record.

SENATOR KAVANAUGH: Russ looks a lot younger. I don't know why. (laughter)

MAYOR CORBY: Thank you so much, Mr. Chairman.

MR. McGLYNN: So we need a motion and a second to approve.

DEPUTY TREASURER SMARTT: So moved.

SENATOR KAVANAUGH: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 3 is Veterans Park and other unnamed, undeveloped open space, Block 2724, Lot 33; Block 2169, Lot 546; Block 2607, Lot 13; Block 2169, Lot 2; Block 2716, Lot 127; Block 2716.02, Lot 8, in Hamilton Township, Mercer County. DEP requests approval to release Green Acres restrictions on the 4.56 acres of underground easements on parkland and to allow the use of additional 6.86 acres of parkland for temporary work space.

This was previously before the board on a number of different occasions, and approval is now requested.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion.

DEPUTY TREASURER SMARTT: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 8, under new business, RPR 97-15, Block 158, Lot 7, in Wantage Township, Sussex County -- No. 4.

We can do items 4 through 8, plus 10, together, which are all DEP residential leases. The first being No. 4, RPR 97-15, Block 158, Lot 7, Wantage Township, Sussex County -- a DEP lease for property located at 103 Luscroft Road to Gatis and Joyce Mezits; a term of one year, with four, one-year renewals, at a rate of 971 per month, with annual increases based on the consumer price index.

Item No. 5 is RPR 97-33A, Block 67, Lot 3, Branchburg Township, Somerset County. A DEP residential property lease at 521 Old York Road, to Lucy Lamarco, for one year, with four, one-year renewals at 583 per month, with annual increases based on the consumer price index.

Item No. 6, RPR 97-33D, Block 67, Lot 3, Branchburg Township, Somerset County. A DEP residential lease at 529 Old York Road, to Deborah Cook; lease term for one year, plus four, one-year renewals at \$600 per month.

Item No. 7, Block 98.54, Block-- I'm sorry, RPR 98-54, Block 58, Lot 11, Franklin Township, Somerset County. A DEP residential property lease at 409 South Middlebush Road, to Richard Hewitt; lease term for one year, with four, one-year renewal options, at a rate of 1,027 per month, with annual increases based upon the consumer price index.

RPR 98-60, Block 101.01 -- this is No. 8 -- Lot 115, in Allamuchy Township, Warren County. A DEP residential property located at 1155

Waterloo Road, to Richard and Diana Millman; lease term for one year, with four, one-year renewal options at a rate of 803 per month, with annual increases based on the consumer price index.

And Item No. 10, RPR Number 03-29, Block 67, Lot 3, in Branchburg Township, Somerset County. A DEP residential property located at 529 Old York Road, to Edward Krutsick; term for one year, with four, one-year renewal options at the rate of \$700 per month, with annual increases based on the consumer price index.

SENATOR KAVANAUGH: Anyone here for or against? (no response)

Can we have a motion, please?

DEPUTY TREASURER SMARTT: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: We now need to go back to No. 9, which is RPR Number 03-23, Block 81, in Barnegat Township, Ocean County. The Department of Treasury, on behalf of the Department of Law and Public Safety, requests approval to dispose of a parcel of vacant land to the adjacent property owner for fair market value. If the adjacent owner is not interested in purchasing the property, it will be sold, via public auction, for fair market value to be determined.

ANTHONY R. MAZZELLA: Mr. Chairman.

SENATOR KAVANAUGH: Yes, sir.

On behalf of the State of New Jersey.

MR. MAZZELLA: Tony Mazzella, Division of State Police.

I would just ask a slight amendment to this sale. The owner's name -- the adjacent property owner's name is Frank J. Milano (phonetic spelling). He has indicated that as a consideration for the purchase of this property, he would derestrict the remaining parcel, which he owns. As the approval here simply speaks to a sale at fair market value, the consideration in trade for

derestricting the adjacent 20 acres as farmland would be weighed against the value of 1.4 acres.

So I would ask the approval be amended to include a value in trade for the derestriction.

MR. McGLYNN: Does the Commission have any problem with that?

SENATOR KAVANAUGH: Is there any particular reason why we're doing this?

MR. MAZZELLA: Well, this is a former State Police tower site. It's approximately 1.4 acres. The property was extracted from Mr. Milano's parcel approximately 25 years ago. He has requested to rejoin it with the 20-acre block that he currently owns. He is conducting farming on the adjacent property. And as a part of the discussions with him, he would agree to derestrict his property -- place an easement as a -- in farmland preservation, as a portion of the consideration for the 1.4 acres he would get back from the State.

SENATOR KAVANAUGH: What do we gain, Bob.

DEPUTY TREASURER SMARTT: Mr. Chairman, since this was -- there was a change in what was originally submitted, I would prefer to hold this until we have transferability.

MR. MAZZELLA: Well, this was submitted in the real property review as part of the consideration.

DEPUTY TREASURER SMARTT: There probably has been a change, though, in what was submitted to the members of the Commission.

SENATOR KAVANAUGH: What you're saying is, he sold to the State 25 years ago.

MR. MAZZELLA: Yes, this 1.4 acres of property. Well, the property owner at that time sold it.

GENE HAYMAN: Mr. Milano wasn't the owner at that time. RCA was the owner.

MR. McGLYNN: They've got to come up to the -- because we do have a verbatim transcript.

SENATOR KAVANAUGH: Come up.

MR. HAYMAN: Gene Hayman, from the Department of Treasury.

SENATOR KAVANAUGH: All right, Gene, now what you're saying is, Milano did not own it, RCA owned it. RCA sold it to the State.

MR. HAYMAN: Correct.

SENATOR KAVANAUGH: And then how did Milano get into this deal?

MR. HAYMAN: Then Milano bought the adjacent property.

SENATOR KAVANAUGH: So he has not had anything to do with this.

MR. HAYMAN: He is not a former owner of the property.

MR. MAZZELLA: Mr. Chairman, he acquired the property that had this 1.4 acres subdivided from it back in the '70s. He had requested, at that time, from State Police, the opportunity to purchase it. At the time, the tower still existed. The tower has been removed, and he has continued to request consideration to acquire this 1.4 acres back so that he could complete this lot back to its original condition.

DEPUTY TREASURER SMARTT: Mr. Chairman, I move to table this to the next meeting.

SENATOR KAVANAUGH: Is there any time of the essence for this? He's lived with it--

MR. MAZZELLA: Well, he's waited 20 years, I guess another three months--

MR. McGLYNN: Wait another three months.

MR. MAZZELLA: Simply the -- I guess my question is, perhaps, to Counsel. To the extent that this property--

DEPUTY TREASURER SMARTT: Mr. Chairman, I move to call the question.

SENATOR KAVANAUGH: Wait, Bob.

Let's bring it up in the next meeting, so it's clarified, so it's not like we're doing a fast shuffle.

MR. McGLYNN: You have a motion to table. You need a second.

MR. EPPLEY: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Okay.

SENATOR KAVANAUGH: Now we'll go to the Department of Human Services.

MR. McGLYNN: I don't-- The Department of Human Services request, Item No. 11, is the County Facilities Calendar Year 2004 Payment Rates. Pursuant to Title 30:4-78, the State House Commission is requested to fix the rates to be charged to the State for various patients residing in county psychiatric facilities pursuant to the Commissioner of Human Services' recommendations, and in accordance with the provisions of the County Psychiatric Hospitals' State Aid Reimbursement Methodology Per Capita Cost Rates effective January 1, 1999, and are hereby established for calendar year beginning January 1, 2004.

There are copies of the agenda, and we will include them in the minutes of the meeting. These rates are being set for the Bergen County Regional Medical Center: inpatient services, geriatric psychiatric services, extended acute psychiatric, acute partial psychiatric, and outpatient psychiatric; the Buttonwood Hospital of Burlington County; the Camden County Health Services Center, psychiatric services; the Essex County Hospital Center, inpatient services; the Hudson County Meadowview Hospital, inpatient services; and the Union County Runnells, specialized services. And there are certain conditions that are attached as part of the agenda.

SENATOR KAVANAUGH: Any comments from anyone here? (no response)

Motion.

DEPUTY TREASURER SMARTT: So moved.

SENATOR KAVANAUGH: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Again, Item No. 12 is from the New Jersey Department of Human Services. This is the State Facilities Calendar Year 2004 Payment Rates. Pursuant to Title 30:4-78, the State House Commission is requested to fix the rates to be charged to counties for various clients residing in

State institutions and programs, pursuant to the Commissioner of Human Services' recommendations and in accordance with the provisions of the Rate Setting Methodology for Establishing State Hospital and Institutional Rates effective January 1, 1991, including revisions to the methodology -- are hereby established for the calendar year beginning January 1, 2004. These are rates for the State General Psychiatric Hospitals, Arthur Brisbane Child Treatment Center, Ann Klein Forensic Center, Community Mental Health Center of UMDNJ, and the State Developmental Centers, and Residential Functions. Again, these are part of the agenda available to the public, and will be included in the minutes. And there are certain notes that are attached that are applicable to these rates.

SENATOR KAVANAUGH: Anyone comment from the audience?

(no response)

Motion, please.

DEPUTY TREASURER SMARTT: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 13 is the New Jersey Department of Human Services, Essex County Hospital Center, Prior Period Rate Adjustment. Again, pursuant to Title 30:4-78, the State House Commission is requested to fix the rates to be charged to the State for various patients residing in county psychiatric facilities. In accordance with the County Psychiatric Hospital State Aid Reimbursement Methodology, these are revised rates for calendar year 2003, developed for the Essex County Hospital Center to reflect an unanticipated increase in total cost. The facility name is the Essex County Hospital Center Psychiatric Services. And there is an inpatient rate, again, with certain conditions, which are all part of the agenda and will be included in the minutes.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion.

DEPUTY TREASURER SMARTT: So moved.

MR. EPPLEY: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The next are Department of Transportation requests, and I think we can do 14, 15, and 16 together.

No. 14 is Route 295, Section 5, Parcels VX36B and VX35C1, in Bordentown, Burlington County. The Department of Transportation, Bureau of Right of Way, Property Management Unit requests approval to sell Parcel VX36B, an irregular-shaped parcel of vacant land containing 2.02 acres, 87,991.2 square feet; and Parcel VX35C1, a rectangular-shaped parcel of vacant land containing .58 acres, or 25,264.8 square feet. Property will be sold, via direct sale, at a recommended sale price of \$21,820.

Item No. 15 is Route 42, Section 12, Parcels VXW78A, VXR81B, VXR82, Gloucester City, in Camden County. The Department of Transportation, Bureau of Right of Way, Property Management Unit requests approval to sell parcel -- would you like to -- VXW78A, Parcel VXR81B, an irregular-shaped parcel of vacant land containing .10 acre, or 4,437 square feet, and Parcel VXR82, a rectangular-shaped parcel of vacant land containing .14 acre, or 6,250 square feet, by public auction with a minimum bid of \$24,000.

And Item No. 16 is Route 4, Section 2, Parcel 109, et al, in Paramus, Bergen County. The New Jersey Department of Transportation, Bureau of Right of Way, Property Management Unit requests approval to sell an irregular-shaped parcel of vacant land containing .693 plus or minus acres, or 27,442 square feet, at public auction for a fair market value to be determined.

And I note that Senator Smith has joined us, so we now have our five-member quorum.

SENATOR KAVANAUGH: Victimized by the Department of Transportation. (laughter)

MR. McGLYNN: So we're dealing with No. 14, 15, and 16, Senator.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Do we have a motion, please.

DEPUTY TREASURER SMARTT: So moved.

SENATOR KAVANAUGH: And a second.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: Second by Senator Smith.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Senator Smith, the Secretary has a comment to you.

MR. McGLYNN: Senator, may we get an affirmance on No. 1 through 13, which we have already done, that you would have voted.

SENATOR SMITH: Yes, I'm familiar with them, and I'd like to be recorded in the affirmative.

MR. McGLYNN: Thank you very much.

SENATOR KAVANAUGH: As an attorney and an engineer, we knew you would be, Senator. (laughter)

MR. McGLYNN: Item No. 17 is Route 23 Southbound, Milepost 10.1, at Alexander Road, in Peguannock Township, Morris County. The Department of Transportation, Bureau of Major Access Permits, Wireless Communications Unit requests approval to erect a wireless communications facility, 140-foot monopole. The proposal will generate a minimum of \$28,000 per annum for five to 20 years, depending on COLA, renewal options, and collocation by other carriers on the site. At the public meeting held on September 18, 2003, seven town officials attended, and asked questions, and all issues were addressed.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion, please.

DEPUTY TREASURER SMARTT: So moved.
SENATOR SMITH: Second.
SENATOR KAVANAUGH: Moved and second.
MR. McGLYNN: Director Holzbaur.
MS. HOLZBAUR: Yes.
MR. McGLYNN: Treasurer Smartt.
DEPUTY TREASURER SMARTT: Yes.
MR. McGLYNN: Counsel Eppley.
MR. EPPLEY: Yes.
MR. McGLYNN: Senator Smith.
SENATOR SMITH: Yes.
MR. McGLYNN: Chairman Kavanaugh.
SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 18 is Route 18 Southbound, Milepost 22.25, at Exit 22, County Route 537, West Ramp, in Colts Neck Township, Monmouth County. The New Jersey Department of Transportation, Bureau of Traffic, Access, and Landscape, Wireless Communications Unit requests approval to erect a wireless communications facility, an antenna attached to sign structure. The proposal will generate a minimum of \$13,300 per annum for five to 20 years, depending on COLA, renewal options, and collocation by other carriers on the site. At a public meeting held on September 30, 2003, one person attended and two town officials, who asked questions of which all issues were addressed.

SENATOR KAVANAUGH: Anyone here to question? (no response)

Do we have a motion, please?
DEPUTY TREASURER SMARTT: So moved.
SENATOR SMITH: Second.
SENATOR KAVANAUGH: Moved and second.
MR. McGLYNN: Director Holzbaur.
MS. HOLZBAUR: Yes.
MR. McGLYNN: Treasurer Smartt.
DEPUTY TREASURER SMARTT: Yes.
MR. McGLYNN: Counsel Eppley.
MR. EPPLEY: Yes.
MR. McGLYNN: Senator Smith.
SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: The following are Department of Environmental requests.

The Kohler Pond Park, Block 23, Part of Lot 18, in Washington Township, Morris County. The DEP, on behalf of the township of Washington, requests approval to divert 0.615 acre of Kohler Pond Park to legalize the continued use of a building on parkland by the Long Valley First Aid Squad.

As compensation, the township will dedicate, for conservation and recreation purposes, an 8.714-acre municipally owned flag lot located off an access road from Bartley Road. The replacement parcel contains a pond and is located along the South Branch of the Raritan River. The area directly across Bartley Road to the southern side of the river is being developed into an active recreation area with numerous ball fields. Estimated value of the diverted parkland is \$102,300; the estimated value of the replacement land is \$245,400.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion, please.

DEPUTY TREASURER SMARTT: So moved.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: It's been moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 20 is West County Drive Park, Block 61, Lot 902, in Branchburg Township, Somerset County. The DEP, on behalf of Branchburg Township, requests approval to convey, to Somerset County, a sight triangle easement and culvert easement totaling approximately 0.127 acre on West County Drive Park, in connection with the extension of West County

Drive on land adjacent to the park. As compensation, the adjacent land developer has agreed to deed to the township a 10-foot strip of land along the western edge of the park for a distance of 1,396.7 feet. The dedication will result in the addition of .321 acres of new land to the park. The developer has also agreed to pay the township \$25,000 to be dedicated for the future acquisition of open space. The estimated value of the .127 acres of sight triangle and culvert easements is 8,200. The estimated value of the .321 acre of replacement land is \$30,500. Therefore, the total value of the compensation to be paid by the developer to Branchburg Township is \$55,000.

SENATOR KAVANAUGH: Anyone here to comment?

SENATOR SMITH: Mr. Chairman, just a question. Who is the developer?

SENATOR KAVANAUGH: Senator Smith, just a moment. I think it's in the back, No. 20. I would probably check (indiscernible).

MR. McGLYNN: Someone may be here from DEP that can answer that better than I can. I am looking at this background.

MICHAEL HEENEHAN: Mike Heenehan, from Green Acres.

It's Murray Construction.

SENATOR KAVANAUGH: Murray Construction, from?

MR. HEENEHAN: Springfield.

SENATOR KAVANAUGH: Springfield. But there are also--

SENATOR SMITH: Okay.

SENATOR KAVANAUGH: Motion and second, please.

DEPUTY TREASURER SMARTT: So moved.

SENATOR SMITH: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 21 is Nomahegan Park and Ridge Street Park, Block 103, Lot 1; Block 242, Lot 1; Block 243, Lot 1; Block 210, Lot 7;

Block 299, Lots 1.01, 1.02, 1.03; Block 215, Lots 3.01, 4.01; Block 334, Lots 6.01, 7.01, 7.02, 7.03, in Cranford Township, Union County. The DEP, on behalf of Cranford Township and Union County, requests approval to divert .41 acre of county and municipal parkland for flood control purposes and to legalize the inadvertent sale of 1.66 acres of municipal parkland for residential purposes.

The township proposes to replace the 1.66 acres of parkland that was sold, the 0.13 acre of easements requested from the county, and the 0.28 acre of municipal parkland to be diverted for the flood control project with 6.82 acres of municipally owned, unencumbered land.

The current estimated value of the 1.66 acres that were sold for residential purposes is \$875,477 -- 447. The estimated value of the 0.41 acres of easements and diversions associated with the flood control project is 101,449. The total area of the diversions and disposals is 2.07 acres. The value of the diversions is \$977,296. The value of the 6.82 acres of replacement, \$1,736,771.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion.

SENATOR SMITH: So moved.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: No. 22 is the American Legion Drive and unnamed waterfront property, Block 21.01, portion of Lots 49 and 50, in Keyport Borough, Monmouth County. The DEP, on behalf of the borough of Keyport, requests approval to allow the realignment of a segment of American Legion Drive, within Keyport's waterfront area.

As compensation for the taking of approximately one acre of parkland for the new American Legion Road right-of-way, the borough proposes to vacate the existing road right-of-way, 1.02 acres, and consolidate this area with the park, Block 21.01, Lots 49 and 50. The roadbed will be removed as part of the bulkhead project. The borough anticipates that once the bulkhead project is completed, it will be able to create some lawn areas and install other recreational facilities in the underused park area. Because the borough proposes to swap a roughly equal area within the same block and lot, the Green Acres Program has determined that the proposed diversion represents an equitable exchange of property.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Can we have a motion, please?

SENATOR SMITH: So moved.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

Twenty-three.

MR. McGLYNN: Item No. 23 is Panicaro Park, Block 9, part of Lot 1, in Rocky Hill Borough, Somerset County. The DEP, on behalf of Rocky Hill Borough, requests approval for the conveyance of approximately 0.056 acre of Panicaro Park to Somerset County in connection with the replacement of the structurally deficient Kingston Road/River Road bridge over Van Horn Brook.

As compensation, Rocky Hill Borough has requested Somerset County obtain a 0.144 acre access easement on private land along Montgomery Township's side of the Van Horn Brook. The proposed easement will link River Road to other municipally owned land to the east. Estimated value of the fee taken for the new bridge right-of-way and bridge easement is \$4,879. The

estimated value of the replacement easement is 5,667. The total acreage to be diverted will not exceed 0.10 acre.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion, please.

MR. EPPLEY: So moved.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: Moved and second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 24 is Liberty and Lions Park, Block 4806, Lot 15; Block 4115, Lot 1, in Union Township, Union County. The DEP, on behalf of Union Township, requests approval to legalize the inadvertent disposal of Liberty Park, .334 acres, for commercial purposes, and approval to allow the future diversion of Lions Park, .020 acre, for road improvements.

As compensation, the township proposes to dedicate, for conservation and recreation purposes, approximately 6.37 acres of undeveloped, wooded, municipally owned land. The estimated market value of the diverted parcels is \$146,000, and the estimated value of the proposed replacement land is 1.3 million.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion, please.

SENATOR SMITH: Motion.

SENATOR KAVANAUGH: Moved and seconded.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: Item No. 25 is the Brown Memorial Park, Block 326, part of Lot 1, in Atlantic City, Atlantic County. The DEP, on behalf of Atlantic City, requests approval to dispose of .48 acres of the 1.02-acre Brown Memorial Park to Second Baptist Church for the construction of a new sanctuary building, which will also house the Oceanside Charter School and the Challenger Center for Space and Education.

As compensation, the city proposes to replace .48 acres of the 1.02-acre park by adding .22 acres to the remaining .54 acres, to create a .7 acre park with improvements. In addition, two more parks of 2.083 acres in total would be created. The two new parks would include significant improvements. The value of the .48 acres proposed for disposal is \$211,995. And the value of the affected park improvements is 99,100, for a total of 311,000. The estimated value of the 2.303 acres of replacement land is \$1,323,800. And the park improvements -- 641,078.75.

There is a letter that we have received just this morning from Schoor DePalma, who is counsel to -- not counsel, I'm sorry -- the engineer for Atlantic City, which I will give to everyone. And they are asking for certain additional conditions from the Green Acres people.

So I don't know if you want to act upon this today, subject to these approvals. Or maybe someone is here.

SENATOR KAVANAUGH: Is Green Acres aware of this?

MR. HEENEHAN: Mike Heenehan.

MR. McGLYNN: I'm sorry. It is from the city of Atlantic City, Schoor DePalma being the engineer for the city, as I'm told.

MR. HEENEHAN: Correction. Schoor DePalma is the engineer for Second Baptist Church, acting on behalf of the city.

MR. McGLYNN: Thank you.

MR. HEENEHAN: And the conditions the city asked us to consider, which we received on Friday -- which we gave you a copy of this morning -- we can incorporate that into the approval. There are additional

things that the city wants the applicant to do to resolve some of the concerns the citizens might have.

MR. McGLYNN: So we can approve this subject to the conditions as attached in this letter of November 20, 2003?

MR. HEENEHAN: That's what we propose you do.

SENATOR KAVANAUGH: This has been reviewed with your department and with DePalma, and it's all okay?

MR. HEENEHAN: Yes, Chairman.

SENATOR KAVANAUGH: All right, just sign the slip -- hard copy.

DEPUTY TREASURER SMARTT: Can I ask, Mr. Chairman -- this letter was dated November 20 -- why it took so long for it to get to the Commission?

MR. HEENEHAN: I can't answer that question. I received it Friday afternoon.

MR. McGLYNN: It was brought here this morning and given to me. I see there is a transmittal form on the front from Schoor DePalma dated December 12, 2003.

DEPUTY TREASURER SMARTT: Can I ask if there's any urgency with this, Mr. Chairman?

SENATOR KAVANAUGH: Anthony.

Welcome to Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Thank you, sir.

SENATOR KAVANAUGH: How was the traffic?

ASSEMBLYMAN IMPREVEDUTO: Well, on 16E, it wasn't very good, I'll tell you that.

KEITH B. MILLS: Good morning. Keith Mills. I'm the Director of Planning and Development for the city of Atlantic City.

MR. McGLYNN: Excuse me, Mr. Mills, would you press the button. Red means that it's on. (referring to PA microphone)

Thank you.

MR. MILLS: Keith Mills, Director of Planning and Development for the city of Atlantic City. I believe I may have sent that November 20 correspondence to Schoor DePalma. That letter was written in response to some community concerns, as well as some concerns that the city had, that this board be knowledgeable of all of the issues that were created by this park diversion.

SENATOR KAVANAUGH: There's a traffic study that was-- Was that done?

MR. MILLS: No, there's a street that needs to be vacated in order to make this proposal happen. And we just wanted that to be part of the record.

SENATOR KAVANAUGH: As Atlantic City, you agree to that vacation.

MR. MILLS: Yes.

SENATOR KAVANAUGH: Vacating.

MR. MILLS: We've had several meetings with Schoor DePalma and the community groups that are referenced in my letter. And the consensus at this time is that the park diversion move forward, and in the planning process of the church and the charter school, that will work out the remaining issues in that letter.

SENATOR KAVANAUGH: Saint James Church, Atlantic City have no problem doing what we're doing? The action we're taking today is completely in accord with your thinking?

MR. MILLS: Yes.

SENATOR KAVANAUGH: I mean, I don't want to get down there and have somebody blow up the back end of the casino. (laughter)

MR. MILLS: No.

SENATOR KAVANAUGH: Okay.

DEPUTY TREASURER SMARTT: What was the response as to the urgency?

MR. MILLS: The charter school has a \$2 million grant that expires some time early next year. The grant was conditioned on them having a building plan prior to the expiration date of the grant. They're looking to extend the grant if, in fact, they can begin the planning process for their new school on part of this park site.

SENATOR SMITH: Mr. Chairman, with regards to the conditions or the suggestions of the November 20 correspondence, Item 2 says that a traffic study is needed to determine the impact of closing the street.

Who is performing it, and who is paying for it?

MR. MILLS: Second Baptist Church.

SENATOR SMITH: They've agreed to this?

MR. MILLS: Yes.

SENATOR SMITH: And with regard to Item 3, Saint James wants school board membership at Oceanside Charter School. Has Oceanside Charter School agreed to allowing that school board membership?

MR. MILLS: They did not object. They were open to that suggestion.

SENATOR SMITH: If any of the parties decide that they can't live with any of these conditions, what happens at that point?

MR. MILLS: Well, we have an extensive planning board process to go through in order to construct the two new buildings, as well as a number of public meet -- hearings, as part of the process. There's also the vacation of the street, which also goes to city council. We have a land swap that involves the church -- Second Baptist Church property being dedicated to the city for some of the new park space. It's a very complicated and open-ended process, at this point. But we think we can all work through it.

SENATOR KAVANAUGH: Mr. Mills.

MR. MILLS: Yes.

SENATOR KAVANAUGH: The concern that I have -- not a great one -- but I'm just concerned if this \$2 million -- if we do not approve it now -- because our next meeting is in three months -- are we going to jeopardize that grant?

MR. MILLS: That's my understanding. I think the gentlemen at Schoor DePalma may have more information on the grant.

SENATOR KAVANAUGH: Bob, why don't you stop it?
(laughter)

I have no objection.

MR. MILLS: Thank you.

SENATOR KAVANAUGH: Can we have a motion, please?

MR. McGLYNN: The motion is going to be subject to the terms and conditions being met in the Schoor DePalma letter of November 20, 2003.

SENATOR KAVANAUGH: As a result of the letter from Mr. Mills.

MR. McGLYNN: And notification to Green Acres that all of those conditions have been met.

SENATOR SMITH: Does the conveyance occur prior to the conditions being met?

MR. McGLYNN: No, the conveyance doesn't occur, normally, until many months after we actually do the approvals, and I sign the deeds that are -- conveyance. They have to be signed by myself, and the Governor, and the Secretary of State, and a number of different people. So the conveyance will not take place prior to our knowing that these conditions have been met.

SENATOR SMITH: So moved, with the conditions of the November 20 letter.

SENATOR KAVANAUGH: Moved and seconded?

MS. HOLZBAUR: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: In order not to jeopardize the grant, based on the representations made in this letter, and on the record by representatives of DEP and the city, yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

MR. McGLYNN: May I ask--

Assemblyman Impreveduto, we had done, I think, 24 items prior to that.

ASSEMBLYMAN IMPREVEDUTO: I was going to be in affirmative on all of them.

MR. McGLYNN: Want to be in the affirmative? Thank you very much.

SENATOR KAVANAUGH: All right, gentlemen, have a successful time with this.

MR. McGLYNN: Item No. 26 -- that's what we're on, isn't it?

SENATOR KAVANAUGH: Twenty-six.

MR. McGLYNN: Liberty State Park, Jersey City, Hudson County. The DEP, Division of Parks and Forestry, request approval to lease approximately 25,000 square feet of the Central Railroad of New Jersey Terminal to the Liberty Science Center, in order to accommodate the Science Center's administrative staff, and to provide exhibits for park visitors during renovation and expansion of the Science Center.

SENATOR KAVANAUGH: Anyone here to comment? (no response)

Motion, please.

ASSEMBLYMAN IMPREVEDUTO: Temporary use.

MR. McGLYNN: Correct.

ASSEMBLYMAN IMPREVEDUTO: Move.

SENATOR SMITH: Second.

SENATOR KAVANAUGH: Moved and second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.

That completes the Commission's agenda. We move now as the
Judicial Retirement System.

Could we--

MR. McGLYNN: We need approval of the minutes of the meeting
held on September 25, 2003.

SENATOR KAVANAUGH: All right.

ASSEMBLYMAN IMPREVEDUTO: Moved.

SENATOR SMITH: Second.

MR. McGLYNN: Director Holzbaur.

MS. HOLZBAUR: Yes.

MR. McGLYNN: Treasurer Smartt.

DEPUTY TREASURER SMARTT: Yes.

MR. McGLYNN: Counsel Eppley.

MR. EPPLEY: Yes.

MR. McGLYNN: Senator Smith.

SENATOR SMITH: Yes.

MR. McGLYNN: Assemblyman Impreveduto.

ASSEMBLYMAN IMPREVEDUTO: Yes.

MR. McGLYNN: Chairman Kavanaugh.

SENATOR KAVANAUGH: Yes.
MR. McGLYNN: We need a motion to approve the confirmation of death claims, retirements, survivor benefits, and terminations.
ASSEMBLYMAN IMPREVEDUTO: Moved.
SENATOR SMITH: Second.
SENATOR KAVANAUGH: Moved and seconded.
MR. McGLYNN: Director Holzbaur.
MS. HOLZBAUR: Yes.
MR. McGLYNN: Treasurer Smartt.
DEPUTY TREASURER SMARTT: Yes.
MR. McGLYNN: Counsel Eppley.
MR. EPPLEY: Yes.
MR. McGLYNN: Senator Smith.
SENATOR SMITH: Yes.
MR. McGLYNN: Assemblyman Impreveduto.
ASSEMBLYMAN IMPREVEDUTO: Yes.
MR. McGLYNN: Chairman Kavanaugh.
SENATOR KAVANAUGH: Yes.
MR. McGLYNN: We need a motion to approve the financial statements as of September 30, 2003.
ASSEMBLYMAN IMPREVEDUTO: Moved.
SENATOR SMITH: Second.
SENATOR KAVANAUGH: Moved and seconded.
MR. McGLYNN: Director Holzbaur.
MS. HOLZBAUR: Yes.
MR. McGLYNN: Treasurer Smartt.
DEPUTY TREASURER SMARTT: Yes.
MR. McGLYNN: Counsel Eppley.
MR. EPPLEY: Yes.
MR. McGLYNN: Senator Smith.
SENATOR SMITH: Yes.
MR. McGLYNN: Assemblyman Impreveduto.
ASSEMBLYMAN IMPREVEDUTO: Yes.
MR. McGLYNN: Chairman Kavanaugh.
SENATOR KAVANAUGH: Yes.
Is there any other thing on the agenda?
MR. McGLYNN: I don't have anything.

SENATOR KAVANAUGH: Okay, let's--

MR. McGLYNN: Thank you for all getting here in some trying circumstances. And holiday greetings. I appreciate it.

SENATOR KAVANAUGH: I forgot your gifts. (laughter)

ASSEMBLYMAN IMPREVEDUTO: That's okay. You can mail it. (laughter)

MR. McGLYNN: I'd give you one, but you can't accept it. Thank you.

(MEETING CONCLUDED)